PUBLIC NOTICE

US Army Corps
of Engineers
Albuquerque District
4101 Jefferson Plaza, NE
Albuquerque, NM 87109-3435

Fax No. 505-342-3498

cespa-od-r@usace.army.mil

Permit Application No:	Date:
2003 00086	March 4, 2003
Phone:	**Suspense Date:**
(970) 375-9509	March 25, 2003

In Reply Refer to:

District Engineer, ATTN: CESPA-OD-R

PERMIT APPLICATION UNDER SECTION 404
OF THE CLEAN WATER ACT (33 USC 1344)

Summary of Proposed Project: The U.S. Army Corps of Engneers (Corps) is requesting public comment on the following project before the above suspense date. The application is for a permit to place dredged and fill material to construct a new water diversion structure in and adjacent to the Navajo River, and construct a water pipeline between the new diversion structure and Dulce Reservoir near Dulce, Rio Arriba County, New Mexico. The project entails the placing of 46,635 feet of 24 inch diameter pipe eight feet below grade. The construction will temporarily impact 1.88 acres of palustrine emergent persistent wetlands in the pipeline corridor. A permanent intermediate reservoir and pump station will be constructed from uplands, necessary to reducing pumping expense. Details of the proposed project are provided below.

Name of Applicant: Jicarilla Apache Nation (Nation), Office of Water Administration, P.O. Box 507, Dulce, NM 87528-0507, telephone 505-759-1198. Representing the applicant is Ms. Jennifer Horn, David Evans and Associates, Inc., 2100 SW River Parkway, Portland, OR 97201, telephone 503-499-0576, email: jdho@deainc.com

Location: The pipeline would be located between the diversion structure, at a point upstream from the confluence of Amargo Creek and the Navajo River, and Dulce Reservoir, located approximately 4 miles south of Dulce, Rio Arriba County, New Mexico (see drawing 1 of 4).

Description of Work: The proposed water diversion structure at the northern end of the project will be constructed of poured concrete, and built at a level to receive water from the Navajo River at most water stages. It will contain a screening system to minimize fish entrainment and reduce sediment entering the pumps. Rock gabions will be placed over 50 feet of river bank upstream from the diversion structure to stabilize the riverbank. A sediment basin will be constructed from uplands adjacent to the pumping station. The main pump station will be constructed adjacent to the sediment basin. The pipeline will be buried 8 feet below grade for the majority of its distance between the diversion structure and Dulce Lake. The pipeline will be suspended from an existing bridge at that point where it crosses Amargo Creek. No discharge of fill will occur in Amargo Creek. Approximately 1.88 acres of wetlands will be temporarily impacted during the construction of the pipeline.

Purpose and Need: The stated purpose of the project is to enable the Nation to utilize their water rights for beneficial uses. The initial purpose of the project is to fill and maintain the pool level of Dulce Lake reservoir. The reservoir was emptied in 1997 when improvements to the dam were made, and has not refilled since, due to drought. Floodwater retention has been the only means of capturing and holding water in the reservoir. Filling of the reservoir is needed as it has historically been used as a source of irrigation water and recreation for the Nation. It would also serve as an emergency backup water supply for the community drinking water system. The Nation plans to divert up to 12,000 acre feet of water per year from the Navajo River.

Related Work: A sediment basin and intermediate reservoir, components of the project will both be constructed from uplands.

Mitigation Proposed by the Applicant: The applicant stated that the project has been designed, emphasizing avoidance and minimization of wetland impacts. Wetland areas that experience temporary impacts will be restored and enhanced upon project completion. Restoration activities will include site grading to match pre-construction contours, removal of excess materials, and revegetation with native wetland species. A secondary impact of restoring water in Dulce lake is improvement of moisture conditions down gradient from the lake. It is anticipated that wetland formation may also occur at the intermediate reservoir site.

Plans and Data: Drawings showing the location of the work site and other data are enclosed with this notice. If additional information is desired, it may be obtained from the applicant, or from:

Houston L. Hannafious
U.S. Army Corps of Engineers

NEWS RELEASE

Durango Regulatory Office
Durango, CO 81302
(970) 375-9509
e-mail: houston.l.hannafious@usace.army.mil

Statement of Findings: The District Engineer will require the applicant to consult with the New Mexico State Preservation Office and/or conduct a survey for the presence of historic or archaeological resources prior to construction of the proposed project. It is possible, however, that presently unknown archeological, scientific, prehistoric, or historic data may be inadvertently lost or destroyed by the work accomplished under the requested permit. In the event that cultural resources are found, the NMSHPO will be contacted for advice on the appropriate action to be taken.

The following is a list of endangered (E) and threatened (T) species and/or critical habitat (CH) for Rio Arriba County, New Mexico:

Xyrauchen texanus, razorback sucker (E)
Empidonax traillii extimus, southwestern willow flycatcher (D)
Falco peregrinus tundrius, arctic peregrine falcon (T)
Grus americana, whooping crane (E)
Haliaeetus leucocephalus, bald eagle (T)
Mustela nigripes, black-footed ferret (E)
Ptychockeilus lucius, Colorado squawfish (E)
Strix occidentalis lucida, Mexican spotted owl (T)

This application will trigger initially informal consultation with the U.S. Fish and Wildlife Service for the impacts of the Nation's proposed withdrawal of water from the Navajo River, and implications to the Colorado squawfish and razorback sucker, both endangered species.

The applicant has applied to the U.S. Environmental Protection Agency, Region 6 for certification that this work is in compliance with applicable water quality standards. The applicant is responsible for obtaining all other required Federal, state, and local authorizations for this work.

In accordance with environmental procedures and documentation required by the National Environmental Policy Act of 1969, an environmental assessment will be prepared by the Corps for this project. Upon completion, the assessment may be seen at the Albuquerque District Office, U.S. Army Corps of Engineers at the address given above, or at the Durango Regulatory Office.

Comment: Any comments concerning this project should be received by the District Engineer no later than March 25, 2003. Comments received after the end of the Public Notice comment period will not be considered. However, more time may be given if a request, with a valid reason, is received prior to the suspense date. The Corps is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed below. Comments are used by the Corps in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

The decision whether to issue a permit will be based on an evaluation of the probable impact, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. The evaluation of the impact of this activity will include application of the guidelines promulgated by the Administrator, EPA, under authority of Section 404(b) of the Clean Water Act. All factors relevant to the proposal and the cumulative effects will be considered; among these are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people.

At the request of the Department of Public Safety, Emergency

Management Preparedness, State Coordinator, we are sending a copy of this notice to the local flood plain administrator to apprise the administrator of proposed development within their jurisdiction. In accordance with 44 CFR Part 60 (Flood Plain Management Regulations Criteria for Land Management and Use), participating communities are required to review all proposed development to determine if a flood plain development permit is required. The local Flood Plain Administrator is required to perform this review for all proposed development and maintain records of such review. You may contact:

Department of Public Safety
State Floodplain Coordinator
Attn: Mr. Bill Borthwick
email: wborthwick@dps.state.nm.us
Phone: 505-476-9617

If the District Engineer determines that the project complies with the 404(b)(1) guidelines, he will grant the permit unless issuance would be contrary to the public interest.

Any person may request a public hearing. The request must be submitted, in writing, to the District Engineer within 21 days of the date of this notice and must clearly set forth the reasons for holding a public hearing.

Dana R. Hurst
Lieutenant Colonel, US Army
District Engineer

Enclosure